

QUIN DENVIR, Bar No. 49374
Federal Defender
ALLISON CLAIRE, Bar No. 170138
Assistant Federal Defender
801 I Street, 3rd Floor
Sacramento, California 95814
Telephone: (916) 498-5700

Attorney for Petitioner
JAY STEWART MILLER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAY STEWART MILLER,)	NO. CIV S-00-0757 LKK GGH P
)	
Petitioner,)	STIPULATION AND ORDER EXTENDING
)	DEADLINE FOR PETITIONER'S CLOSING
v.)	POST-HEARING BRIEF
)	
CAL TERHUNE, et al.,)	
)	
Respondents.)	
)	
_____)	

Petitioner, JAY STEWART MILLER, and respondents, CAL TERHUNE, et al., by and through their respective counsel, hereby agree and stipulate as follows:

1. Pursuant to prior stipulation and order, petitioner's closing post-hearing brief is now due on August 29, 2005. For the reasons which follow, petitioner requests a final 30-day extension of the deadline. Respondent has no objection.

2. In mid-June, 2005, counsel for petitioner accepted a new job in the Capital Habeas Unit of the Federal Defender's Office. She remains counsel of record in several non-capital cases, including this one.

1 3. At the time the parties in this case entered the
2 previous stipulation regarding scheduling, counsel for petitioner was
3 assigned to a single capital case (Majors v. Brown, CIV 99-0493 MCE PAN
4 P). Since the previous scheduling order was issued, counsel has been
5 assigned to a second capital case (Bolin v. Brown, CIV 99-5279 REC DP).
6 Both involve extensive records and pressing deadlines.

7 4. Counsel for petitioner is scheduled to attend a capital
8 habeas training conference, the National Habeas Seminar, in Pittsburgh,
9 Pennsylvania, from August 24, 2005, through August 28, 2005.

10 5. For these reasons, despite the exercise of reasonable
11 diligence, counsel for petitioner is unable to complete the closing
12 brief by August 29, 2005. Counsel is eager to submit the case for
13 decision, and is confident that the brief can be completed by September
14 28, 2005.

15 6. Counsel for respondent has no objection to a final 30-
16 day extension of time.

17 7. Counsel for respondent has authorized counsel for
18 petitioner to sign this stipulation on his behalf.

19 Dated: August 17, 2005

Respectfully submitted,

QUIN DENVIR
Federal Defender

23 /s/ Allison Claire
24 ALLISON CLAIRE
25 Assistant Federal Defender
26 Attorney for Petitioner
27 JAY STEWART MILLER

1 Dated: August 17, 2005

BILL LOCKYER
Attorney General of the State of
California

2
3
4
5 /s/ Clifford E. Zall
CLIFFORD E. ZALL
Deputy Attorney General
Attorney for Respondents
6
7
8

9 **O R D E R**

10 Pursuant to the stipulation of the parties and for good cause
shown, petitioner's closing post-hearing brief shall be filed no later
11 than September 28, 2005. The case will then be submitted for
preparation of Findings and Recommendations.

12 IT IS SO ORDERED.

13 DATED: 8/30/05

14 /s/ Gregory G. Hollows
HON. GREGORY G. HOLLOWS
United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25

26 mil757.eot